

Exhibit D

Atkinson-Baker, Inc.
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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

EASTERN PROFIT CORPORATION

LIMITED,

Plaintiff/Counterclaim Defendant,

v.

STRATEGIC VISION US, LLC,

Defendant/Counterclaim Plaintiff.

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CERTIFIED COPY

:Case No.:

:18-cv-2185 (JGK)

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The STATEMENT ON THE RECORD for
Deposition of STEVE BANNON was taken on behalf of
the Defendant/Counterclaim Plaintiff at
AdvantEdge, 2101 L Street, Northwest, Suite 800,
Washington, DC 20037 commencing on Friday,
November 22, 2019 at 1:00 p.m. before Sydney R.
Crawford, RPR, Shorthand Reporter in the District
of Columbia.

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1 APPEARANCES :

2
3 ON BEHALF OF THE PLAINTIFF/COUNTERCLAIM DEFENDANT:

4 Non-Present

5
6
7 ON BEHALF OF THE DEFENDANT/COUNTERCLAIM PLAINTIFF:

8 EDWARD GREIM, ESQUIRE

9 Graves Garrett, LLC

10 1100 Main Street

11 Suite 2700

12 Kansas City, Missouri 64105

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By Mr. Greim	4

EXHIBIT	DESCRIPTION	PAGE
1	E-mail Correspondence	7
*Retained by counsel.		

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P R O C E E D I N G S

* * * * *

MR. GREIM: This is Eddy Greim, and I am counsel for defendants, Counter-claimant Strategic Vision. We are here today on a duly noticed nonparty deposition of Stephen K. Bannon. Mr. Bannon was served with process on Thursday, November 14th, 2019.

On Monday of this week, which would have been November the 18th, I received a phone call from Allison McGuire of Quinn Emanuel, who said that she was counsel for Mr. Bannon and understood that Mr. Bannon had been served with the subpoena. I spoke with Ms. McGuire about the facts that we expected Mr. Bannon would have. Ms. McGuire did not raise any dispute about the timing of the deposition or the availability of her client. I informed Ms. McGuire that the deposition would need to go forward on Friday because of the impending close of discovery.

After answering all of Ms. McGuire's questions, I asked her for any other feedback, she

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1 said she would speak with her client and get back
2 to me. I next heard from Ms. McGuire via a phone
3 call, which I received on Thursday, November 21st,
4 2019 at about 3:20 Eastern time.

5 Ms. McGuire, in that call stated that it
6 had been a busy week for the law firm, and that
7 she was not sure where Mr. Bannon was but that
8 they suspected he was traveling internationally.
9 Ms. McGuire said that December 5th -- proposed
10 December 5th, 2019 as a new date for Mr. Bannon's
11 deposition. I responded that because discovery
12 closed on November 29, while we would normally
13 give a courtesy to opposing counsel in order to
14 work around timing issues, we were not able to do
15 so in this case, and I suggested that we attempt
16 to call the Court to discuss the issue and to
17 attempt to solidify the December 5th date and get
18 approval for that date.

19 Ms. McGuire said that she wanted to call
20 back, speak to her partner on the matter and also
21 try to reach her client. I told her that I was
22 leaving for the airport in about an hour and five

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1 minutes and asked her to call me back as soon as
2 she could so that we could get on the call, on the
3 phone with the court before I had to go to the
4 airport.

5 I did not hear from Ms. McGuire, and so
6 I drove to the airport. After getting through
7 security, I checked my phone, and saw that about
8 20 minutes after the time by which I had asked
9 Ms. McGuire to call me back, she had simply sent
10 an e-mail and in the e-mail, she stated that or
11 she suggested that she had claimed to me on the
12 phone earlier that notice was not reasonable to
13 prepare Mr. Bannon for the deposition and that we
14 had failed to cooperate in good faith under
15 Southern District of New York local rule.

16 I responded by e-mail from the airport
17 that, in fact, Ms. McGuire had stated none of this
18 on our phone call and I said, I would treat this
19 as a last minute no-show. I was able to cancel my
20 flight without incurring costs. I immediately
21 confirmed the December 5th backup date Ms. McGuire
22 had proposed and told her that she should produce

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1 her witness at the same place at 9:00 a.m. noted
2 in the subpoena on December the 5th.

3 We said we'd trust the extra time
4 satisfied her represented need to prepare
5 Mr. Bannon. Ms. McGuire responded thanking us for
6 our accommodation. She said she was happy to
7 discuss the conditions for potential deposition of
8 Mr. Bannon on December 5th and then Ms. McGuire
9 attempted to reraise the issue that she had
10 mentioned on Monday, but abandoned on Thursday
11 regarding what topics Mr. Bannon would discuss. I
12 responded by e-mail at the end of the day
13 Thursday.

14 (Exhibit 1 was marked for
15 identification.)

16 This e-mail chain reflecting my e-mail
17 communications with Ms. McGuire, will be marked as
18 Exhibit 1 and attended to the record. Strategic
19 Vision preserves and does not waive any claim for
20 cost or sanctions as a result of Mr. Bannon's
21 failure to appear for deposition today. Further,
22 by not filing a motion of any kind before the

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1 return date, Mr. Bannon has waived any objection
2 to the subpoena. We will be forthwith issuing a
3 notice for the new date proposed by Mr. Bannon's
4 counsel of December 5th and notifying the district
5 court, Judge Freeman in New York, that this has
6 been noticed for a date beyond the close of
7 discovery. And we will make sure the court is
8 aware of that. This closes the record in this
9 matter.

10 (Off the record on 1:04 p.m.)
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1 CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC

2 I, Sydney Crawford, the officer
3 before whom the foregoing statement on the record
4 was taken, do hereby certify that the foregoing
5 transcript is a true and correct record of the
6 testimony given; that said testimony was taken by
7 me stenographically and thereafter reduced to
8 typewriting under my direction; that reading and
9 signing was not requested; and that I am neither
10 counsel for related to, nor employed by any of the
11 parties to this case and have no interest,
12 financial or otherwise, in its outcome.

13 IN WITNESS WHEREOF, I have hereunto set
14 hand and affixed my notarial seal this 9th day of
15 December, 2019

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22 My commission expires: May 15, 2024

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